

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT  
W.D.N.Y. - BUFFALO

QI WU,

Petitioner,

-v-

**DECISION AND ORDER**  
07-MC-66A

MICHAEL CHERTOFF, Secretary,  
United States Department of Homeland Security, et al.,

Respondents.

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Petitioner Qi Wu, acting *pro se*, seeks relief pursuant to writ of mandamus, alleging that his Application to Adjust to Permanent Resident (I485) has been unreasonably delayed, as set forth more precisely in the petition. Petitioner has paid the filing fee. Accordingly,

IT HEREBY IS ORDERED as follows:

1. Within **45 days** of the service of this Order, respondents shall file an **answer** to the petition with the Clerk of Court (and also serve a copy upon the petitioner) which shall respond to the allegations of the petition. Respondents shall also file and serve by the above date a **memorandum of law** addressing each of the issues raised in the petition and including citations of relevant supporting authority.

If petitioner chooses to file a written response to the answer and memorandum of law, he should file the response within **thirty (30) days** of receipt of the answer.

Within thirty (30) days of the date this order is filed with the Clerk of Court, respondent may file a motion for a more definite statement or a motion to dismiss the petition, accompanied by appropriate exhibits which demonstrate that an answer to the petition is unnecessary. The timely filing of such motion shall extend the time for filing an answer for fourteen (14) days, but the failure of the Court to act upon the motion within that time shall not further extend the time for filing an answer.

2. The Clerk of Court shall serve a copy of this order, together with a copy of the petition, by certified mail, upon the following:


- Secretary, U.S. Department of Homeland Security, Washington, D.C. 20528;
- Director, U.S. Department of Homeland Security, U.S. Citizenship and Immigrations Services, Washington, D.C. 20528;
- Director, U.S. Department of Homeland Security, U.S. Citizenship and Immigrations Services; St. Albans Sub Office, St. Albans Office, 64 Gricebrook Road, St. Albans, VT 05478;
- Director, Texas Service Center, United States Citizenship and Immigration Services, P.O. Box 851488, Nesquite, TX. 75185-1488;

- Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues N.W., Washington, DC 20530;
- United States Attorney for the Western District of New York, United States Attorney's Office, 620 Federal Building, 100 State Street, Rochester, NY 14614;

James W. Grable, District Counsel for the Department of Homeland Security, 130 Delaware Avenue, Room 203, Buffalo, New York 14202.

**PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS  
AND CORRESPONDENCE TO THE ATTORNEY APPEARING FOR  
RESPONDENTS.**

IT IS SO ORDERED.

  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

Dated: Oct 16, 2007